

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States of America, *et al.*,

Defendants.

No. 22-cv-1213

Consolidated with No. 23-cv-381

Judge Terry A. Doughty
Mag. Judge Kayla D. McClusky

CONSENT MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGE LIMIT

Defendants respectfully request leave, unopposed, to file a brief of up to FORTY (40) pages in response to (1) the Order of this Court (Dkt. 389) (“Briefing Order”), which directed briefs “on whether further jurisdictional discovery limited to the issue of standing could aid this court’s evaluation of its continuing jurisdiction over this case, or alternatively, whether dismissal is appropriate,” and (2) Plaintiffs’ brief in response to the Briefing Order (Dkt. 391). Good cause supports this motion to exceed the page limit in Local Rule 7.8.

The Briefing Order is based on the remand from the U.S. Court of Appeals for the Fifth Circuit (Dkt. 386), which in turn is based on the remand from the U.S. Supreme Court in *Murthy v. Missouri*, 144 S. Ct. 1972 (2024). Plaintiffs’ brief in response to the Briefing Order presents contentions regarding the effect of the Opinion of the U.S. Supreme Court in *Missouri*, and draws upon, *inter alia*, supplemental declarations from two individual plaintiffs—one from Plaintiff Hines containing 25 numbered paragraphs (Dkt. 391-10), and the other from Plaintiff Bhattacharya containing 12 numbered paragraphs (Dkt. 391-11).

Defendants respectfully submit that a brief of up to 40 pages is necessary to adequately address the contentions in Plaintiffs' brief in response to the Briefing Order, the supplemental declarations from the two individual plaintiffs that response draws upon, and the Opinion of the U.S. Supreme Court in *Missouri*.

Plaintiffs do not oppose this Motion. A proposed order is attached.

Dated: October 4, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JOSHUA E. GARDNER
Special Counsel, Federal Programs Branch

JOSEPH E. BORSON
Assistant Director, Federal Programs Branch

/s/ Indraneel Sur
INDRANEEL SUR (D.C. Bar No. 978017)
Senior Counsel
ALEXANDER W. RESAR (N.Y. Bar No. 5636337)
CATHERINE M. YANG (N.Y. Bar No. 5319736)
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW, Washington D.C. 20005
Tel: (202) 616-8488
indraneel.sur@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF CONFERENCE

In accordance with the Local Rules of this Court, counsel for Defendants contacted Plaintiffs' counsel to request consent for the filing and granting of this motion. Plaintiffs' counsel informed counsel for Defendants that Plaintiffs do not oppose this motion.

/s/ Indraneel Sur